

Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 05246 021827Z

70

ACTION EB-11

INFO OCT-01 NEA-10 IO-15 ISO-00 AGR-20 CEA-02 CIAE-00

COME-00 DODE-00 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06

NSAE-00 NSC-10 PA-03 RSC-01 AID-20 CIEP-02 SS-15

STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SPC-03 OMB-01

OIC-04 AF-10 ARA-16 EA-11 EUR-25 DRC-01 /239 W

----- 125088

R 021736Z OCT 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 1917

INFO AMEMBASSY NEW DELHI

LIMITED OFFICIAL USE GENEVA 5246

E.O. 11652: N/A

TAGS: ETRD, GATT, IN

SUBJ: DRAFT WAIVER-INDIAN AUXILIARY DUTIES

REF: GENEVA 4398; NEW DELHI 9265, STATE 153499

1. GATT SEC GAVE US, EC, JAPAN AND CANADIAN DELS ADVANCE
COPY OF PROPOSED DECISION FOR ADOPTION BY GATT COUNCIL
OCT 19. SEC WILLING TO TRY TAKE ACCOUNT OF ANY REACTION
BY COB OCT 5 BEFORE ISSUING AS COUNCIL DOCUMENT.

BEGIN TEXT

CONSIDERING THAT THE GOVERNMENT OF INDIA HAS NOTIFIED
THE CONTRACTING PARTIES THAT, WITH EFFECT FROM 1 APRIL
1973, IT HAS INTRODUCED, ON A TEMPORARY BASIS, AN
AUXILIARY DUTY OF CUSTOMS ON CERTAIN ITEMS ON WHICH
INDIA ASSUMED OBLIGATION UNDER ARTICLE II AND WHICH ARE
INCLUDED IN SCHEDULE XII ANNEXED TO THE GENERAL
AGREEMENT;

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GENEVA 05246 021827Z

CONSIDERING THAT THESE LEVIES HAVE BEEN LIMITED TO THE LEVEL NEEDED TO RAISE RESOURCES FOR THE CENTRAL GOVERNMENT BY GRANTING EXEMPTIONS WHEREVER AND TO THE EXTENT NECESSARY;

CONSIDERING THAT, THOUGH THERE ARE THREE DIFFERENTIAL RATES OF AUXILIARY DUTIES, VIZ. 20 PER CENT, 10 PER CENT AND 5 PER CENT, ALMOST ALL THE ITEMS INCLUDED IN SCHEDULE XII ANNEXED TO THE GENERAL AGREEMENT ARE SUBJECT TO EITHER NIL OR ONLY 5 PER CENT DUTY;

NOTING THAT FOOD GRAINS, BOOKS, FAMILY PLANNING APPLIANCES, TALLOW, RAW COTTON, MACHINERY ITEMS AND A FEW OTHER SELECTED CATEGORIES OF GOODS HAVE BEEN TOTALLY EXEMPTED FROM THIS DUTY;

NOTING FURTHER THE ASSURANCES OF THE GOVERNMENT OF INDIA THAT IT WILL, UPON REQUEST, PROMPTLY ENTER INTO CONSULTATIONS WITH ANY CONTRACTING PARTY WHICH CONSIDERS THAT SERIOUS DAMAGE TO ITS INTERESTS IS CAUSED OR IMMINENTLY THREATENED BY THE AUXILIARY DUTY OF CUSTOMS;

THE CONTRACTING PARTIES, ACTING PURSUANT TO THE PROVISIONS OF PARAGRAPH 5 OF ARTICLE XXV OF THE GENERAL AGREEMENT,

DECIDE TO WAIVE, UNTIL 31 MARCH 1974, THE APPLICATION OF THE PROVISIONS OF PARAGRAPH 1 OF ARTICLE II OF THE GENERAL AGREEMENT TO THE EXTENT NECESSARY TO ENABLE THE GOVERNMENT OF INDIA TO APPLY THE TEMPORARY AUXILIARY DUTY OF CUSTOMS AS NOTIFIED IN DOCUMENT L/3934.

END TEXT

2. FOREGOING TEXT APPLICABLE TO INDIAN MISSION. ONLY POINT TO WHICH LATTER ATTACHES IMPORTANCES IS MINIMUM DURATION OF LEGAL COVER THROUGH MARCH 1974. SECRETARIAT AWARE TEXT NOT VERY ELEGANT OR PERSUASIVE AS TO GATT RATIONALE FOR WAIVER BUT SEC HAD NOTHING BEYOND PARA 3 L/3874 TO WORK WITH.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GENEVA 05246 021827Z

3. MISSION CONSIDERS TEXT MEETS BASIC US POINT OF PRINCIPLE (BREACH OF BOUND RATES SHOULD BE REGULARIZED AND ART 25 IS ONLY FEASIBLE WAY DO SO). BEARING IN MIND EMB NEW DELHI COMMENTS (PARA 1 REF B), MISSION RECOMMENDS ACQUIESCENCE. BASSIN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 02 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973GENEVA05246
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731055/aaaabohx.tel
Line Count: 113
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 GENEVA 4398, 73 NEW DELHI 9265, 73 STATE 153499
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 04 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04-Oct-2001 by eisnerah>; APPROVED <05-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DRAFT WAIVER-INDIAN AUXILIARY DUTIES
TAGS: ETRD, IN, GATT
To: SECSTATE WASHDC NEW DELHI
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005